

Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 8, 2005

CENAO-TS-G
05-V0319

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Knox Creek Coal Corporation
P. O. Box 519
Raven, VA 24639

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in two unnamed tributaries to Hurricane Branch, Carter Branch, and the left fork of Carter Branch, all tributaries to Laurel Fork of Dismal Creek, in the Pendleton Ridge area of Buchanan County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to discharge fill into 1,285 linear feet of waters of the United States for three hollow fills (HF-1, HF-2 and HF-4) to accommodate spoil material from the Hurricane Surface Mine operation. Additionally, 735 linear feet of waters of the United States will be impacted by the construction of two sediment basins (SB-1 and SB-9) to remain in place during mining operations.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers, Walker Mountain Regulatory Field Office, P. O. Box 694, Wytheville, Virginia 24382, and should be received by the close of business on May 12, 2005.

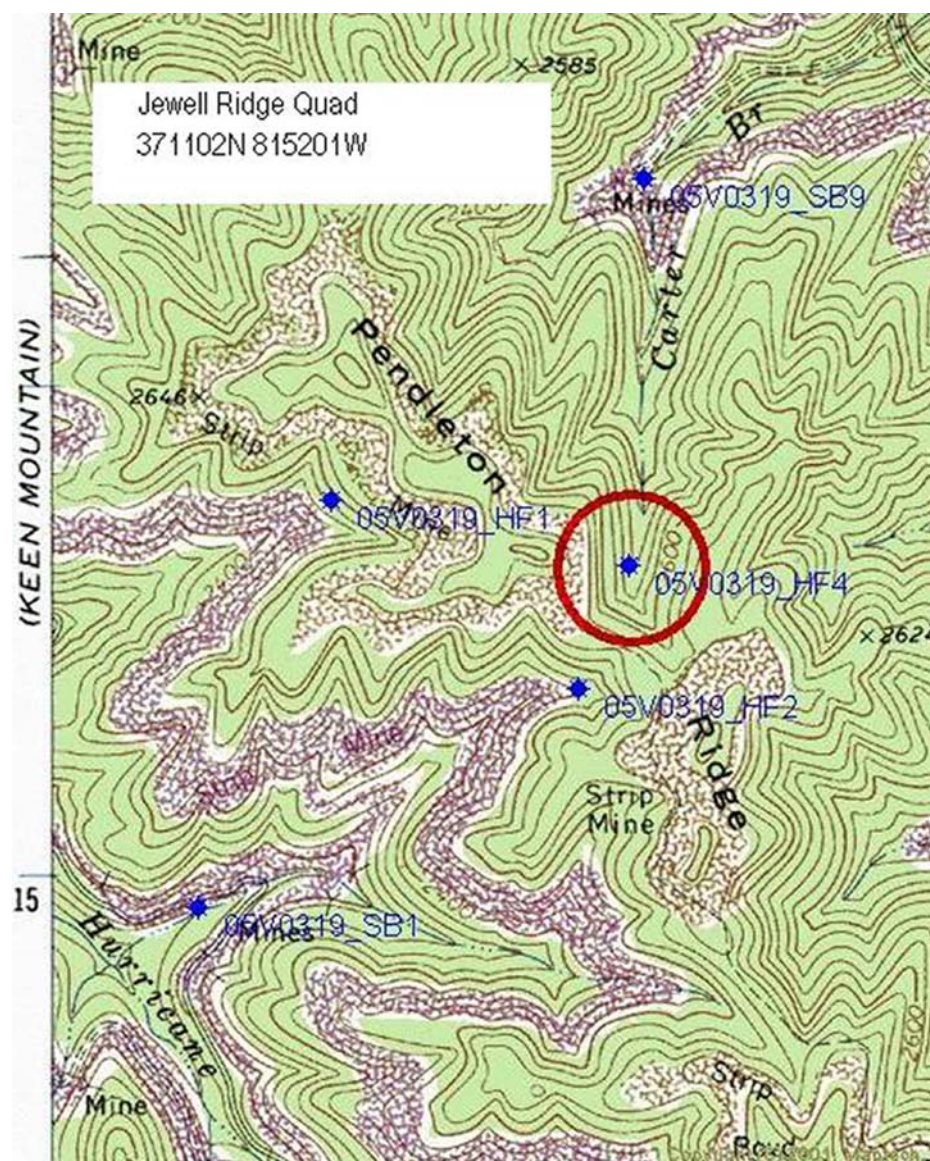
If you have any questions about this project or the permit process, please call:

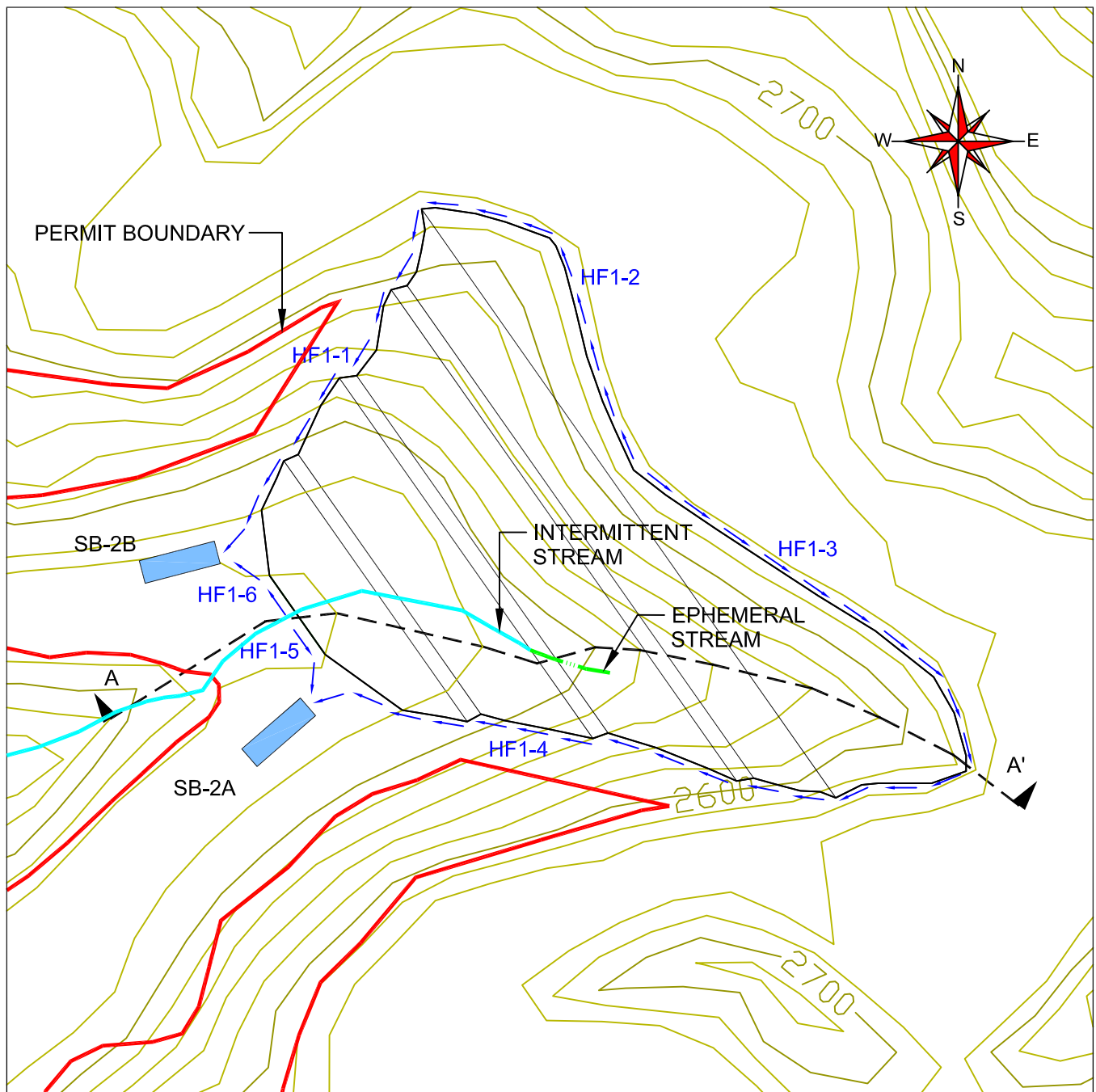
Carolyn M. Beatty (276) 228-4592.

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachments:
1 Location Map
10 Drawings





PERMIT AREA



JURISDICTIONAL LIMITS
(INTERMITTENT)



JURISDICTIONAL LIMITS
(EPHEMERAL)



Knox Creek Coal Corporation

HOLLOW FILL 1

SITE PLAN



Terra Tech
ENGINEERING SERVICES, P.C.

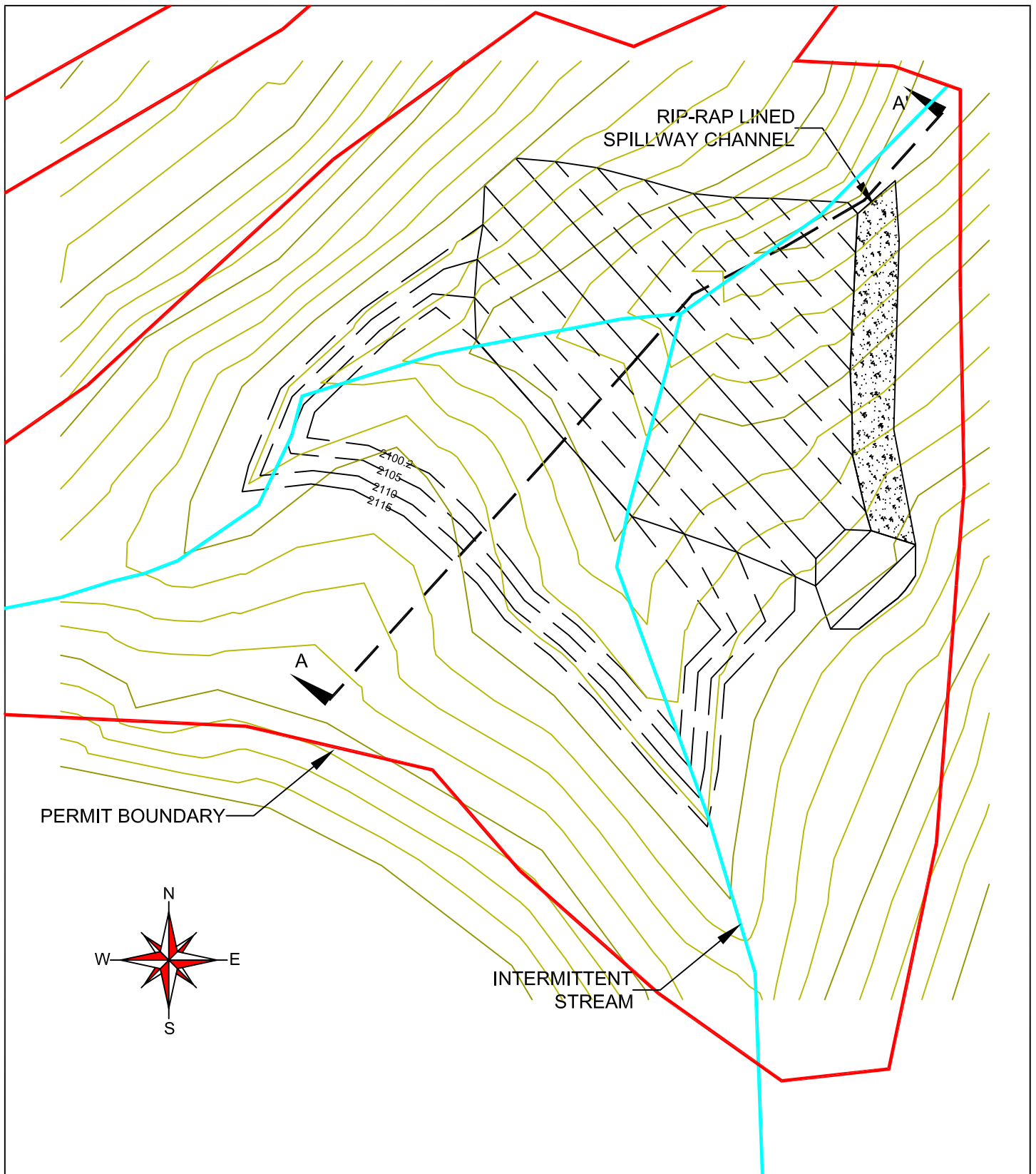
P.O. Box 1063
Grundy, VA 24614
(276) 935 - 4191

SCALE 1" = 200'

PROJ 04-68

MAP NO:

PLOT DATE: MARCH 24, 2005



PERMIT AREA

JURISDICTIONAL LIMITS
(INTERMITTENT)

Knox Creek Coal Corporation

SEDIMENT BASIN 9

SITE PLAN



Terra Tech
ENGINEERING SERVICES, P.C.

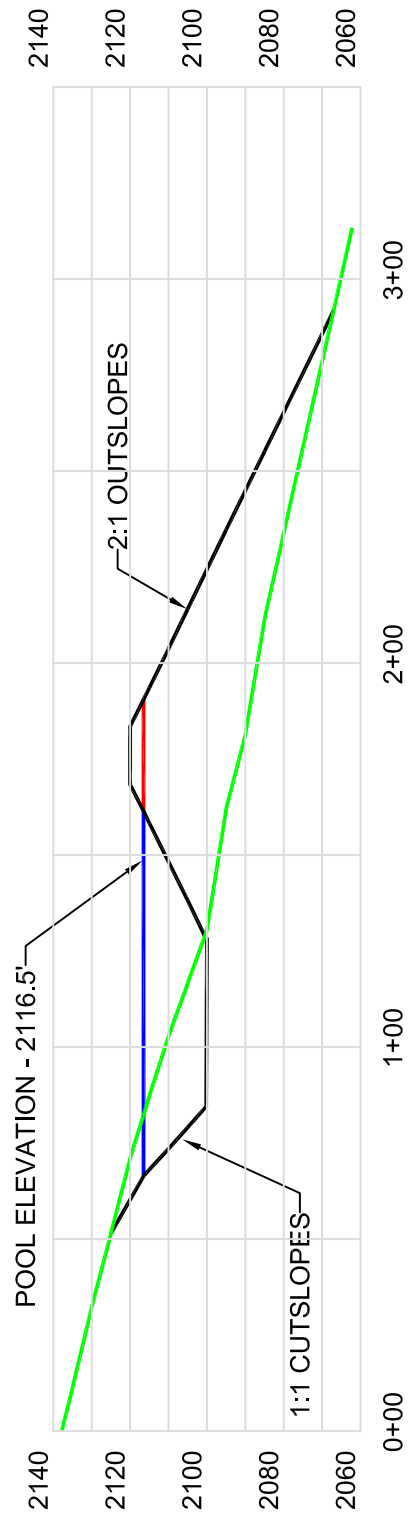
P.O. Box 1093
Grundy, VA 24614
(276) 935 - 4191

SCALE 1" = 50'

PROJ 04-68

MAP NO:

PLOT DATE: MARCH 24, 2005



Knox Creek Coal Corporation

SEDIMENT BASIN 9

SECTION A - A'



Terra Tech
ENGINEERING SERVICES, P.C.

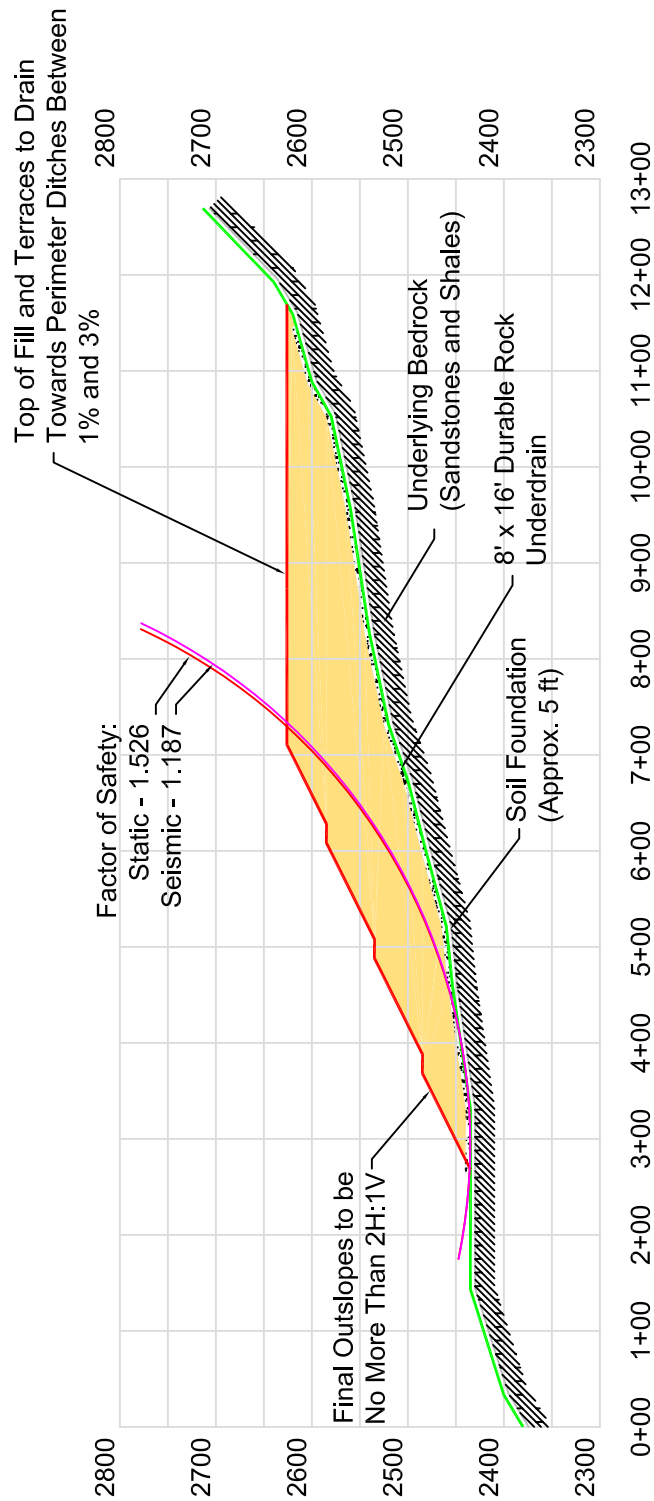
P.O. Box 1003
Grundy, VA 24614
(276) 935-4191

SCALE 1" = 50'

PROJ 04-68

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Knox Creek Coal Corporation

HOLLOW FILL 1

SECTION A - A'



Terra Tech
ENGINEERING SERVICES, P.C.

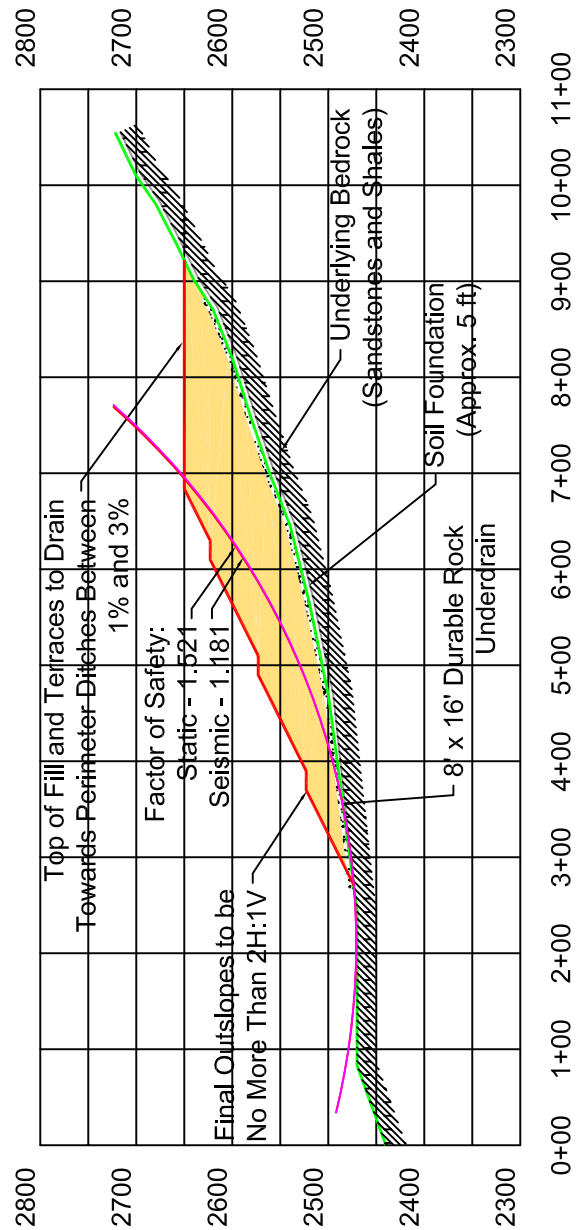
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Knox Creek Coal Corporation

HOLLOW FILL 2

SECTION A - A'



Terra Tech
ENGINEERING SERVICES, P.C.

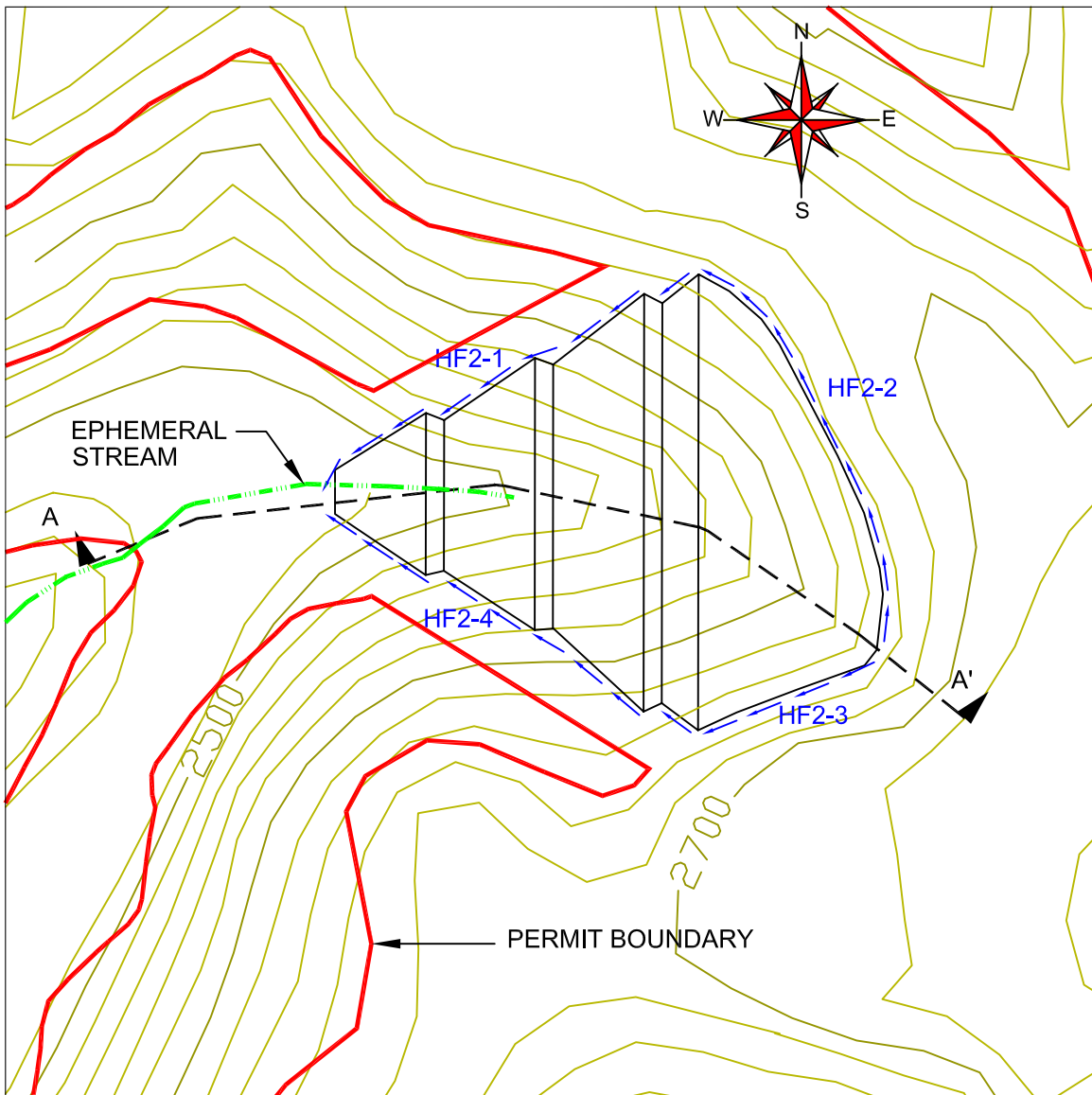
P.O. Box 1003
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PERMIT AREA



JURISDICTIONAL LIMITS
(EPHEMERAL)



Knox Creek Coal Corporation

HOLLOW FILL 2

SITE PLAN



Terra Tech
ENGINEERING SERVICES, P.C.

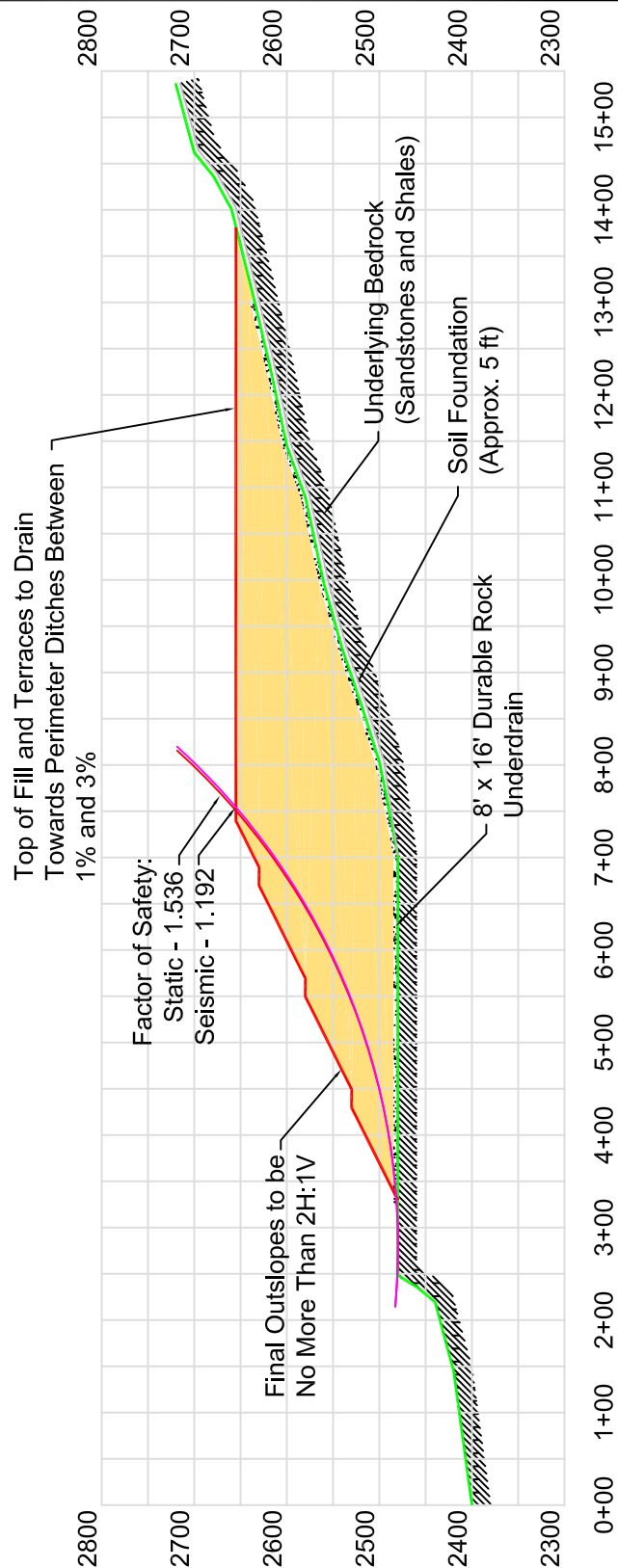
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Knox Creek Coal Corporation

HOLLOW FILL 4

SECTION A - A'



Terra Tech
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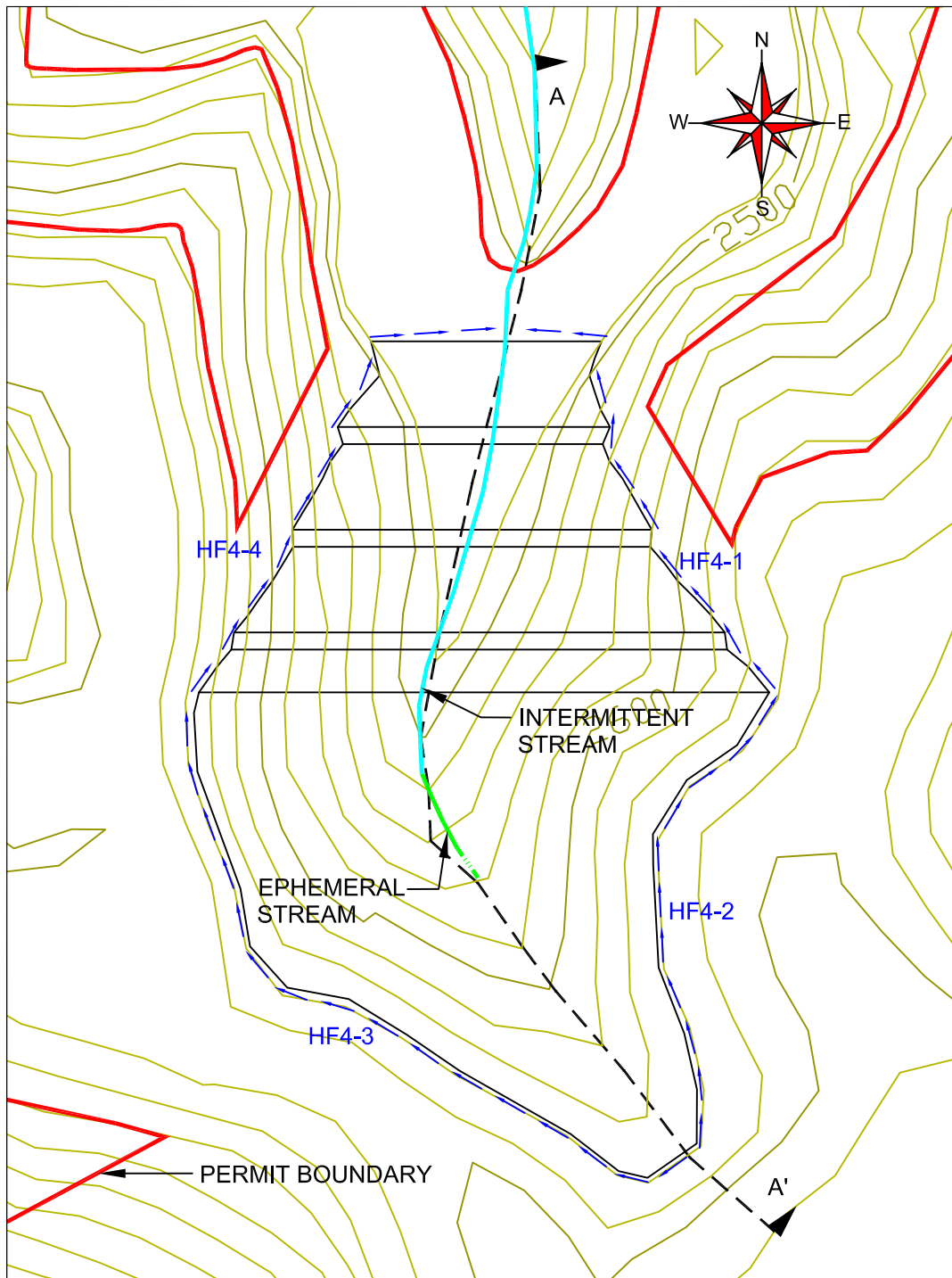
P.O. Box 1003
Grundy, VA 24614
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JURISDICTIONAL LIMITS
(INTERMITTENT)



JURISDICTIONAL LIMITS
(EPHEMERAL)



Knox Creek Coal Corporation

HOLLOW FILL 4

SITE PLAN



Terra Tech
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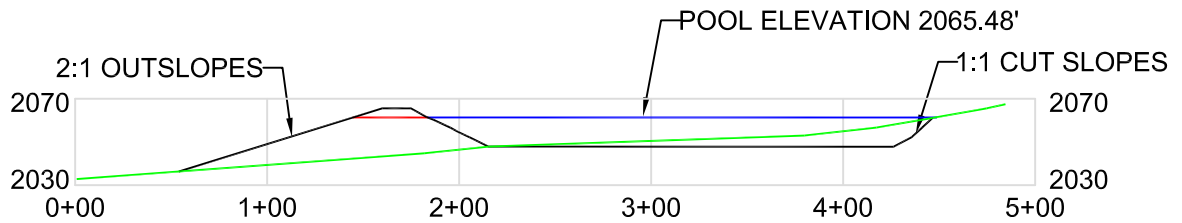
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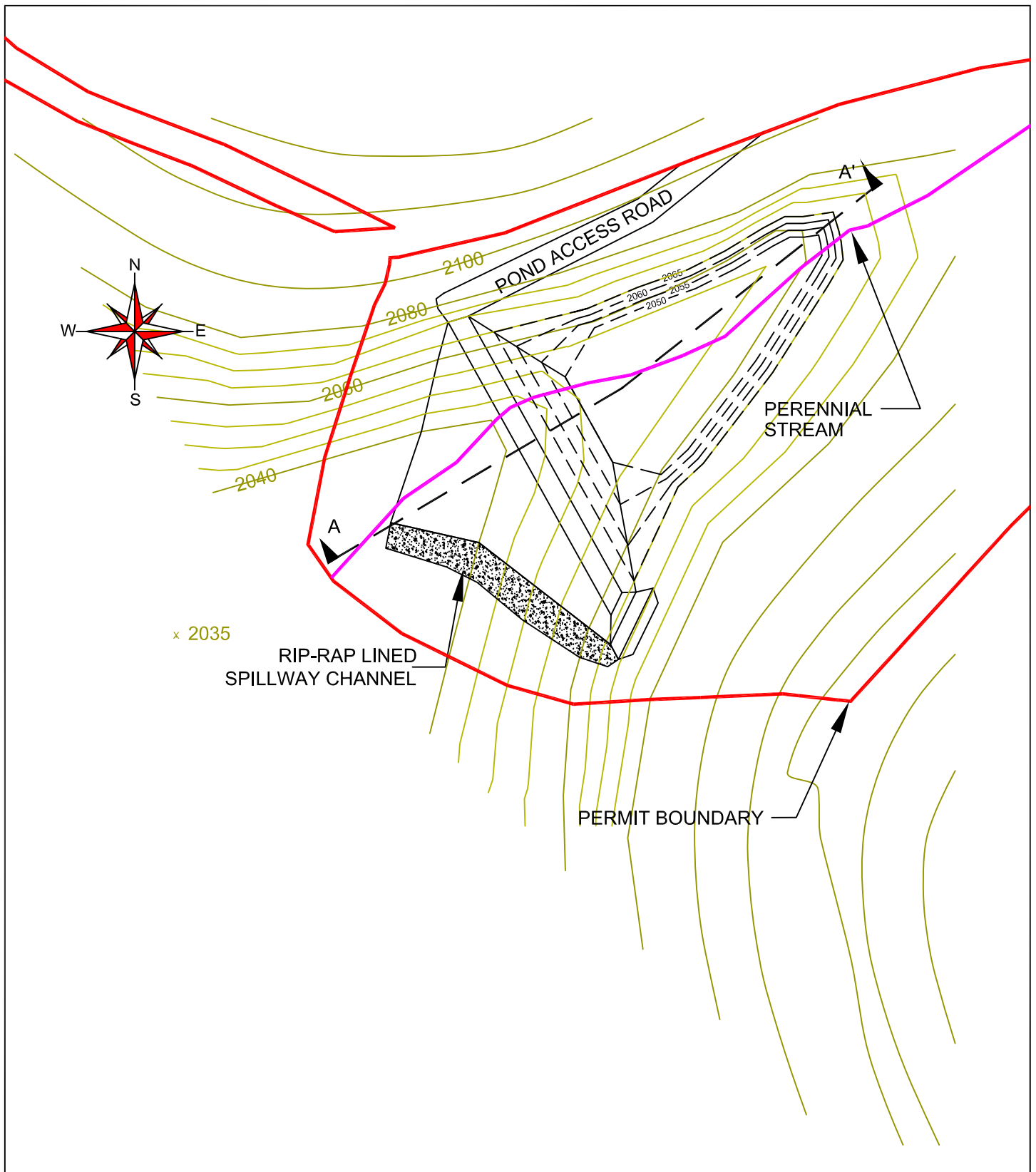
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SCALE 1" = 100'

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PLOT DATE: MARCH 28, 2005